

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

APPLIED MEDICAL TECHNOLOGY, INC.,)
and KIRN MEDICAL DESIGN, LLC)

Plaintiff,)

v.)

CORPAK MEDSYSTEMS, INC.,)

Defendant.)

Civil Action No.: 1:16-CV-02190-PAG

**DEFENDANT’S MOTION TO STAY CLAIM CONSTRUCTION DEADLINES
AND REQUEST FOR EXPEDITED BRIEFING**

As discussed during the January 4, 2018 Status conference, Defendant Corpak Medsystems, Inc. (“Defendant”) contends that venue in this Court is improper based on recent precedent, and Counsel for Defendant has informed Plaintiffs’ counsel that Defendant will be filing a Motion to Dismiss by February 2, 2018. For the reasons explained in the attached Memorandum in Support of this Motion, Defendant respectfully moves this Court to stay the remaining claim construction deadlines pending resolution of Defendant’s forthcoming Motion to Dismiss. Specifically, these deadlines are: Opening Claim Construction Submissions (currently scheduled for February 2, 2018), Responsive Claim Construction Submissions (currently scheduled for March 2, 2018), and Joint Claim Construction and Prehearing Statement (currently scheduled for March 9, 2018). This Motion is supported by the attached Memorandum and such other argument and evidence that may be presented to the Court. As detailed further in the accompanying Memorandum, Plaintiffs oppose this motion to stay the claim construction deadlines.

Additionally, to the extent briefing on this Motion to Stay is necessary, Defendant requests the Court order expedited briefing on this motion, with Plaintiffs' response due no later than Monday, January 29, 2018, and Defendant's reply due no later than Wednesday, January 31, 2018. This expedited briefing schedule hopefully will allow the Court to resolve this motion before the February 2, 2018 Opening Claim Construction Submission deadline.

Dated: January 24, 2018

/s/ Richard M. McDermott

Richard M. McDermott (*pro hac vice*)
ALSTON & BIRD LLP
Bank of America Plaza
101 S. Tryon Street, Suite 4000
Charlotte, NC 28280
Phone: (704) 444-1000
Fax: (704) 444-1111
rick.mcdermott@alston.com

Jitendra Malik (*pro hac vice*)
Alissa M. Pacchioli (*pro hac vice*)
Darlena H. Subashi (*pro hac vice*)
ALSTON & BIRD LLP
4721 Emperor Boulevard, Suite 400
Durham, NC 27703-8580
Phone: (919) 862-2200
Fax: (919) 862-2260
jitty.malik@alston.com
alissa.pacchioli@alston.com
darlena.subashi@alston.com

Mark R. Jacobs (0071228)
MATASAR JACOBS LLC
1111 Superior Ave., Suite 1355
Cleveland, Ohio 44114
Phone: (216) 453-8180
Fax: (216) 282-8600
mjacobs@matasarjacobs.com

*Attorneys for Defendant
Corpak Medsystems, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 24, 2018, a true and correct copy of the foregoing document was filed electronically via the Court's electronic filing system, and that notice of this filing will be sent by operation of the Court to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Richard M. McDermott

Richard M. McDermott (*pro hac vice*)

ALSTON & BIRD LLP

Bank of America Plaza

101 S. Tryon Street, Suite 4000

Charlotte, NC 28280

Phone: (704) 444-1000

Fax: (704) 444-1111

rick.mcdermott@alston.com